

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERCATO MANAGEMENT, LLC et al.,

Movants,

-v-

K2 INTELLIGENCE, LLC,

Respondent.
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23-MC-309 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On August 29, 2023, Movants Mercato Management, LLC, Mercato Partners, LLC, Mercato Partners Growth II GP, LLC, Mercato Partners Growth II, L.P., Mercato Partners Growth Affiliates II, L.P., Mercato Partners AI II, L.P., Mercato Partners Ingram, LLC, and Mercato Partners Ingram CoInvest, LLC (collectively, “Movants”) filed a motion to compel in connection with a lawsuit pending in the United States District Court for the District of New Jersey. ECF No. 1. Based on a quick review of the motion papers, the Court is inclined to believe that the issues are more appropriately decided by the judge presiding over the underlying matter and that transfer to the District of New Jersey pursuant to Rule 45(f) of the Federal Rules of Civil Procedure would therefore be appropriate. **No later than September 6, 2023, Movants shall file a letter indicating whether they would consent to such transfer.**


Unless and until the Court orders otherwise, no later than **September 5, 2023**, Movants shall serve this Order and (unless already served) its motion papers, both electronically and/or by overnight courier, on Respondent and on all parties in the District of New Jersey action and file proof of such service on the docket. Any opposition to the motion — including any opposition by other parties in the District of New Jersey action — shall be filed no later than **September 12, 2023**. No reply may be filed absent leave of Court.

Additionally, Movants’ Motion to Seal is GRANTED temporarily. This Court, or the District of New Jersey if the case is transferred, will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion.

The Clerk of Court is directed to terminate ECF No. 2.

SO ORDERED.

Dated: August 31, 2023
New York, New York



JESSE M. FURMAN
United States District Judge